

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Kevin D. Hall

v.

Civil No. 05-cv-381-JD

Cheshire County Department of
Corrections, Superintendent, et al.

REPORT AND RECOMMENDATION

Plaintiff seeks a Temporary Restraining Order against defendants contacting the Albany County (New York) jail where he is incarcerated unless the court first determines in an in camera review that it is necessary. He also seeks discovery of any prior communication between defendants and the Albany County jail.

The underlying factual predicate for the relief sought is that plaintiff alleges that there are documents missing from his legal file which he received from his father. The request for Temporary Restraining Order is not supported by the affidavit required by Fed. R. Civ. P. 65(b). More importantly, if plaintiff proved every fact alleged in his motion, his motion would fail since he has not alleged a single fact as to any acts by defendants to establish "foul play" by them. He is not entitled to any injunctive relief on the face of the motion and a

hearing is wholly unnecessary.

The discovery request is not in accordance with the discovery rules and is denied.

I recommend that the request for Temporary Restraining Order/Injunctive Relief be denied.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: February 6, 2007

cc: Kevin D. Hall, *pro se*
John A. Curran, Esq.